

Revised 03/06 WDNV

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

**FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)**

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. Full Name of Plaintiff: NOTE: *If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.*

James I. Wynn Sr.

-vs-

B. Full Name(s) of Defendant(s) NOTE: *Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.*

1. Judge David G. Lander

4. Kevin Hogan

2. Judge Paul R. Warren

5. Richard J. Evans

3. Phillip M. L. L.P.

6. John E. Speranza

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT

All of these sections MUST be answered

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: Plaintiff and Defendant reside in

Monroe County

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District: location of infraction

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: Illegal property foreclosure secured by Nevada B. Cassano and

The above Defendant conspired to get the Plaintiff civil rights claim abuse due process constitutional rights discrimination, biased disregard for rule of law fraudulent, reckless and lawless violation of my

Chapter 7 Bankruptcy (was also in place the same was violated also see the Second Circuit Court of appeals mandate dated 11-22-2019

also see the Chapter 7 discharged by Judge Wynn dated 11-20-2019

See order converting from Chapter 13 to Chapter 7 dated July 27, 2019

(2)

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All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. Full Name of Plaintiff: NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.

James I Wynn Sr

-vs-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.

- | | |
|--|---------------------------|
| 1. <u>Mark Updegraff aka and Redux</u> | 4. <u>Shawn Ruvv</u> |
| 2. <u>Adam J. Bello</u> | 5. <u>Geida B Cassava</u> |
| 3. <u>Vladi K Evans</u> | 6. _____ |

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT

All of these sections **MUST** be answered

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: Plaintiff and Defendant reside in
Marion County

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District: Location of Infraction

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: Illegal Property Foreclosure Sued by Geida B Cassava and The above
Defendants conspired to together violate Plaintiff Civil Rights along with
unlawful unconstitutional rights discrimination bias and revenge for rate of low
friend of 5 years for rule of law violations and lawless plus violation of my Chapter 7
Bankruptcy that was in place when this took place. The 6th was in place it was violated
See Court of Appeals for the Second Circuit Mandate 11-22-2019
See The Chapter 7 discharged by Judge Warriner dated 11-26-2019
See order that was in place when foreclosure took place dated July 27, 2017

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name of First Plaintiff: James E. Wynn Sr.

Present Address: 7 Kennerly Circle
Rochester New York 14606

Name of Second Plaintiff: #

Present Address: _____

DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.

Name of First Defendant: Judge David G. Handman

Official Position of Defendant (if relevant): United State District Court

Address of Defendant: 100 State Street Rochester NY 14614

Name of Second Defendant: Judge Paul K. Wynn

Official Position of Defendant (if relevant): United State Bankruptcy Court

Address of Defendant: 100 State Street Rochester NY 14614

Name of Third Defendant: Phillip Lytle (LHP)

Official Position of Defendant (if relevant): Lead Firm

Address of Defendant: 28 East Main Street Suite 1400 Rochester NY 14614

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☒ No ☐

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): James E. Wynn Sr.

8 Eighth Parties to this Action

Plaintiff's Information Note

Name of First Plaintiff James E. Wynn Sr.
 Present Address 47 Kennerst Circle
 Rochester New York 14606

Defendant's Information Note

Name of Fourth Defendant Kevin Hogan Esq
 Official position of Defendant (if relevant) Corp. Manager For
 Philip Lytle LLP.
 Address of Defendant 125 Main Street Buffalo, NY 14203

Name of Fifth Defendant Richard J. Evans Esq
 Official position of Defendant Special Counsel For Philip Lytle LLP
 Rochester NY 14614
 Address of Defendant 28 East Main Street Suite 1400

Name of Six Defendant John F. Spervanza Referee
 Official position of Defendant Attorney Conspired with Defendants
 Rochester NY 14614
 Address of Defendant 28 East Main Street Suite 1800

Name of Seventh Defendant Mark updegraff aka David Redut
 Defendants
 Official position of Defendant Conspired with Cerebra Cerebrum
 Address of Defendant 100 Liberty Pole Way Rochester NY 14604

Name of Eighth Defendant Adam J. Rello
 Official position of Defendant County Executive
 Address of Defendant 39 West Main Street Rochester NY 14614

Eleven Parties To this Action

Plaintiffs Information

Name of First Plaintiff

James I. Wynne Sr.

present Address

7 Kenest Circle

Rochester NY 14606

Defendants Information

Name of Ninth Defendant Malik Evans

Official position of Defendant City of Rochester Mayor

Address of Defendant Dept. of Law City Hall Room 4004 30 Church
Street Rochester NY 14614

Name of Tenth Defendant Shawn Burr

Official position of Defendant Executive Director Housing Authority
Section 8

Address of Defendant 675 Main Street Rochester NY 14614

Name of Eleventh Defendant Gerda R. Cuccaro

Official position of Defendant Just recently learned she forecloses
on my property and she did have authority
then as 10 year old child

Address of Defendant 8285 Peachey Road Bergen NY 14416

Defendant(s): Judge David C. Levine, Judge Paul R. Warren, Phillip Lytle GaltKevin Hagan Richard Evans John F. Speranza Mark Updegraff Adam P. Bello
Michael Evans Shawn Burr Corda B
Carson2. Court (if federal court, name the district; if state court, name the county): Monroe3. Docket or Index Number: These are Summons with Complaints 2022-1486, 2022-1942, 2022-2044, 2022-1961, 2022-2045, 2022-1506
2022-2086, 2022-2229, 2022-2282, 2022-1486, 2022-19424. Name of Judge to whom case was assigned: No Judge assigned only Summons with Notice5. The approximate date the action was filed: 2229 Filed 8-12-2022, Amended on 8-18-20226. What was the disposition of the case? 2229 Filed 8-12-2022, 2086, Filed 7-27-2022Is it still pending? Yes ☒ No ☐If not, give the approximate date it was resolved. No Complaint has been filed for Summons with Notice

Disposition (check those statements which apply):

☐ Dismissed (check the statement which indicates why it was dismissed):☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;☐ By court due to your voluntary withdrawal of claim;☐ Judgment upon motion or after trial entered for☐ plaintiff☐ defendant.

5. STATEMENT OF CLAIM

Please note that it is not enough to just list the ground(s) for your action. You must include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

A. FIRST CLAIM: On (date of the incident) See attached Verified Complaint

defendant (give the name and (if relevant) the position held of each defendant involved in this incident) Judge DavidC. Levine, Judge Paul R. Warren, Phillip Lytle Galt, Kevin Hagan Richard EvansJohn F. Speranza Mark Updegraff Adam P. Bello, Shawn Burr Corda B Carson

did the following to me (briefly state what each defendant named above did): SEE ATTACHED
Verified Complaint all Defendants knowingly willingly
 conspired with Gerda B Cassara knowing that she was a
 fraud and that she did not have any more authority to foreclose on
 Plaintiff property at 3840 Lake Ave then she had to foreclose on right one
 of the Defendant's home. Plaintiff doesn't owe Gerda B Cassara not
 even one dime. Plus the fact re Plaintiff was still under the protection of
 the Chapter 7 Bankruptcy Stay and Status

The federal basis for this claim is: Civil Rights Fraud Stealing personal property race discrimination
No respect for the rule of law False claim to others property. Plus there is Criminal
 State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

I am respectfully asking the Court to return my property to me at 3840 Lake Ave
also I am asking the to give me damages that I am getting from my Complaint

B. SECOND CLAIM: On (date of the incident) See Verified Complaint (Attached)
 defendant (give the name and (if relevant) position held of each defendant involved in this incident) Judge David

W. Lawrence U.S. District Court Judge Paul R. Warden U.S. Bankruptcy Court
Phillip Lytle, Kevin Hagan, Kenneth J. Evans, John Esperanza, Mark Hughes, Adam J. Bello, Mike Evans, Sharon Ray, Carl Cassara
 did the following to me (briefly state what each defendant named above did):

See attached Verified Complaint They willingly conspired to
 have a disregard for the rule of law whether it was the Chapter 7 Bankruptcy
 Stay or the disregard for the United States Constitution Ask them if it
 was a white man would it have been treated as it was disregarded for due
 process. Ask them would they want their family members treated as it was being
 a 62 year old black man that didn't do any thing to deserve this even people
 in here have more respect for the rule of law than the Defendants have

The federal basis for this claim is: See attached Verified Complaint (Attached)

Race discrimination biased, malicious and intended due process

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

I am respectfully asking that my property be returned because none of
the document used in this scam was legal. Plus I am asking the Court to
grant Plaintiff mention in Verified Complaint. See Chapter 7 Discharge 11-26-2017
See 2nd Circuit mandate 11-22-2019

See order changing Plan July 27, 2019
That is Criminal

If you have additional claims, use the above format to set them out on additional sheets of paper.

6. SUMMARY OF RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

I am respectfully requesting that my property # 2840 be returned to me, because it was fraudulent taken from me every time the book was taken. Plaintiff also want damages from the defendant as shown in cv written in the Verified Complaint. George B. Casera should be charged with a crime every one of the defendant should be pay for damages as shown in Verified Complaint.

Do you want a jury trial? Yes ☒ No ☐

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8 - 22 - 2022
(date)

NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.

James J. Wynn Jr.

Signature(s) of Plaintiff(s)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

James I Wynnis

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS Judge David G. Lavinier
Judge Paul R. Wadon Phillip Lytle LLP Kevin
Hagan Richard E. Evans John F. Speranzo Mark
Wise John A. Wadon Keith H. Lee Adam T. Bello
Major E. Evans Shanon Burr. Cerven AS Carraw
County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input checked="" type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input checked="" type="checkbox"/> 380 Other Personal Property Damage <input checked="" type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input checked="" type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input checked="" type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input checked="" type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input checked="" type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (Specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause: The Above Defendants Conspired With Code Cause To To Defraud Plaintiff out of his property of 3840 Lake Ave Rochester NY 14622

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 16,000,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____